

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>LOST CREEK IRRIGATION COMPANY OF AURORA</p> <p>RESPONDENT</p>	<p>DELINQUENT ASSESSMENT COLLECTION NOTICE</p> <p>SEAA No. 1351 DISTRIBUTION ACCOUNT: 102052 WATER RIGHTS: 63-2833, 63-3193, 63-3230</p>
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I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-1 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-1 states in part :

(3) (a) (i) The salary and expenses of the commissioner and all other expenses of distribution, ... shall be borne pro rata by the users of water from the river system or water source in accordance with a schedule to be fixed by the state engineer.

(ii) The schedule shall be based on the established rights of each water user, and the pro rata share shall be paid by each water user to the state engineer on or before May 1 of each year.

(c) If a water user fails to pay the assessment as provided by Subsection (3)(a), the state engineer may do any or all of the following:

(i) create a lien upon the water right affected by filing a notice of lien in the office of the county recorder in the county where the water is diverted and bring an action to enforce the lien;

(ii) forbid the use of water by the delinquent water user or the delinquent water user's successors or assignees, while the default continues; or

(iii) bring an action in the district court for the unpaid expense and salary.

(d) In any action brought to collect any unpaid assessment or to enforce any lien under this section, the delinquent water user shall be liable for the amount of the assessment, interest, any penalty, and for all costs of collection, including all court costs and a reasonable attorney fee.

II. STATEMENT OF FACTS

1. The Respondent is the water user under distribution account 102052 and owner of the water rights 63-2833, 63-3193 and 63-3230.
2. A Distribution Assessment Notice for the distribution account was issued on April 10, 2008 for a partial annual assessment in the amount of \$1,625.73.
3. A Distribution Assessment Notice for the distribution account was issued on May 7, 2008 for a partial annual assessment in the amount of \$770.90.

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4. A Delinquent Distribution Notice for the distribution account was issued on October 6, 2008 adding a delinquent fee in the amount of \$239.66.
5. A partial payment was received from the Lost Creek Irrigation Co. of Aurora on December 4, 2008 in the amount of \$1,625.73.
6. A Distribution Assessment Notice for the distribution account was issued on March 19, 2009 for an annual assessment in the amount of \$2,462.51.
7. A Delinquent Distribution Notice for the distribution account was issued on August 4, 2009 adding a delinquent fee in the amount of \$347.31.
8. **The unpaid balance of distribution account 102052 is \$3,820.38 including assessments and delinquent penalties.**

III. ACTIONS REQUIRED

1. The Respondent is hereby notified that the unpaid balance of **\$3,820.38** must be paid in full within 30 days of the date of this Notice.
2. Payment of the unpaid balance shall be made in the form of a check payable to **"Utah State Engineer"** delivered to the address below:
Utah State Engineer
1594 West North Temple
PO Box 146300
Salt Lake City, UT 84114-6300
3. The enclosed assessment notice must be submitted with the payment and the distribution account number, 102052, must be written on the check.

IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to pay the unpaid balance in full as required by this Notice. If the payment is made in a timely manner, the Division will conclude this agency action.
2. If the payment is not made in a timely manner, the Division will issue an Order forbidding the use of water until the payment is made as allowed under Utah Code Ann. § 73-5-1 (3)(c)(ii).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).
4. If determined to be in violation of an Order, the Respondent may be subject to administrative penalties in accordance with Utah Code Ann. § 73-2-26 (2005), including fines not to exceed \$5,000 per day for knowing violations or \$1,000 per day for unknowing violations and replacement of up to 200% of water diverted in violation of the


Order. In addition, the Respondent may be liable for expenses incurred by the Division in investigating and stopping the violation."

V. FURTHER INFORMATION

If you have any questions concerning this Notice, please refer them to:

Susan Odekirk
(801) 538-7431
susanodekirk@utah.gov
PO BOX 146300
Salt Lake City, Utah 84114-6300

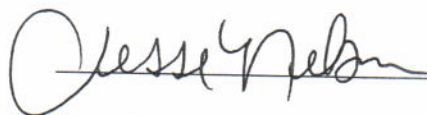
Dated this 14th day of October, 2009


Susan Odekirk
Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 14th day of October 2009, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

LOST CREEK IRRIGATION CO. OF AURORA
PO BOX 456
AURORA, UTAH 84620


Jesse Nelson
Division of Water Rights
Field Services Secretary

U.S. Postal Service™ Delivery Confirmation™ Receipt

Postage and Delivery Confirmation fees must be paid before mailing.

Article Sent To: (to be completed by mailer)

Lost Creek Irrigation Co of Aurora
PO BOX 456
Aurora, UT 84620

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☒ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

(See Reverse)


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Utah Division of Water Rights



Edit Account - SEVIER RIVER - 102052

Billing Entity : LOST CREEK IRRIG CO OF AURORA

Billing Contact : GURNEY, ALAN

Address 1 : PO BOX 456

Address 2 :

City : AURORA

State : Utah

Zip : 84620

Account Type : Other

Phone 1 : () -

Phone 2 :

Reference : 51.14

Account Status

☒ Active ☐ Special ☐ Inactive

Primary Units : 0.00

Secondary Units : 250.00

Water Use Limit : 0

Direct Assessment : 0.00

Special Assessment : 0.00

Balance Owed : \$3,820.38

Account Notes

#	Date	User Name	Note
1	2/16/2007 11:33:36 AM	MSILVA	Phy add: 650 Lost Creek Rd, Aurora UT 84620
2	2/25/2003	HP3000	63-3193,3230
			PREVIOUS OWNER
3	2/25/2003	HP3000	Lost Creek Irrigation of Aurora / Johnson W Burke PO 115 Aurora UT 84620 0592

Water Right Numbers

63-2833

Payment History

#	Date	Assessment	Special Assessment	Adjustments or Late Fees	Payment	Balance	Status
1	3/1/1991	\$650.63				\$650.63	
2	3/1/1991				\$650.63	\$0.00	
3	3/1/1992	\$588.48			\$588.48	\$0.00	
4	4/17/1992					\$588.48	
5	3/1/1993	\$679.63				\$679.63	
6	5/3/1993				\$679.93	(\$0.30)	
7	3/1/1994	\$925.13				\$924.83	
8	6/1/1994			\$92.48		\$1,017.31	
9	7/12/1994				\$1,017.31	\$0.00	
10	3/1/1995	\$1,106.85			\$1,106.85	\$0.00	
11	6/12/1995					\$1,106.85	
12	3/1/1996	\$1,281.25				\$1,281.25	
13	6/27/1996				\$1,281.25	\$0.00	
14	3/1/1997	\$1,280.24				\$1,280.24	
15	5/27/1997				\$1,280.24	\$0.00	
16	3/1/1998	\$1,295.58				\$1,295.58	
17	6/1/1998			\$129.56		\$1,425.14	
18	7/27/1998				\$1,425.14	\$0.00	
19	3/1/1999	\$1,295.58				\$1,295.58	
20	4/26/1999				\$1,295.58	\$0.00	
21	3/1/2000	\$1,395.46				\$1,395.46	
22	7/25/2000				\$1,395.46	\$0.00	
23	3/1/2001	\$1,395.46				\$1,395.46	
24	6/1/2001			\$139.55		\$1,535.01	
25	3/1/2002	\$1,455.41				\$2,990.42	
26	4/1/2002				\$1,535.01	\$1,455.41	
27	6/1/2002			\$145.54		\$1,600.95	
28	9/17/2002				\$1,600.95	\$0.00	
29	5/14/2003 10:38:45 AM	\$1,706.72				\$1,706.72	
30	12/15/2003 11:31:10 AM				\$1,706.72	\$0.00	

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31	4/14/2004 9:52:16 AM	\$2,250.19		\$2,250.19
32	6/14/2004 2:04:07 PM		\$225.02	\$2,475.21
33	7/13/2004 3:08:28 PM			\$0.00
34	4/6/2005 9:00:34 AM	\$1,861.81		\$1,861.81
35	6/9/2005 3:06:57 PM		\$186.18	\$2,047.99
36	7/12/2005 6:58:08 PM		\$2,047.99	\$0.00
37	4/11/2006 3:34:31 PM	\$1,966.61		\$1,966.61
38	7/13/2006 11:41:38 AM		\$196.66	\$2,163.27
39	3/1/2007		\$2,163.27	\$0.00
40	3/22/2007 2:29:25 PM	\$2,269.16		\$2,269.16
41	7/26/2007 8:55:27 AM		\$226.92	\$2,496.08
42	2/12/2008		\$2,496.08	\$0.00
43	4/10/2008 2:36:41 PM	\$1,625.73		\$1,625.73
44	5/7/2008 10:44:28 AM	\$770.90		\$2,396.63
45	10/6/2008 6:08:55 PM		\$239.66	\$2,636.29
46	12/4/2008		\$1,625.73	\$1,010.56
47	3/19/2009 12:51:15 PM	\$2,462.51		\$3,473.07
48	8/4/2009 9:42:20 AM		\$347.31	\$3,820.38

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